IN THE HIGH COURT OF DELHI AT NEW DELHI

**Bail Application No.2053/2005**

# Surender Nath .....Petitioner
! through: Mr. Lalit Gupta, Adv.

VERSUS

$ State & Ors. .....Respondents
^ through: Mr. Harsh Dev Shastri, Advocate for respondent with respondent in person
Mr. Anil Soni, Advocate for State

% **D**ATE OF DECISION: 17-08-2007

**CORAM:**

* **Hon'ble Mr.Justice Pradeep Nandrajog**

1. Whether reporters of local papers may be allowed to see the judgment? Y

2. To be referred to the Reporter or not? Y

3. Whether judgment should be reported in Digest? Y

**: PRADEEP NANDRAJOG, J.**

FIR No.274/05 dated 24.3.2005
U/s. 506 IPC
P.S. Saraswati Vihar

1. Complainant at whose instance FIR is registered is a *safai karamchari* in a complex of flats constructed by a co-operative group housing society. Petitioner is a resident of Flat

No.107 in said complex.

2. Gravement of the allegation against the petitioner as per FIR is as follows :-

> "Shri Surender Nath Singh, resident of Flat No.107 is harassing us because I do not lift and remove garbage from his flat and he has not paid any money since the past 3 years for working in his flat and now every day he is threatening me that he will get killed my wife and my child. He is a very big tantrik and throws the garbage of his flat here and there because of which all the residents of the society are troubled."

3. According to the petitioner who is aged 67 years as of today, having retired as a Professor from the National Council of Educational Research and Training, his desire of living a peaceful life was jettisoned by one Jagdish who had an evil eye on the flat of the petitioner. That Jagdish got petitioner entangled in various criminal proceedings pertaining to breach of peace resulting in registration of as many as 3 kalandaras, details whereof have been set out in para 11, 12 and 13 of the petition.

4. According to the petitioner, complainant has been used by said Jagdish who at an earlier occasion, apart from getting petitioner involved in 3 proceedings pertaining to breach of peace got the petitioner falsely implicated in a Complaint Case No.760/1/2004 under Sections 406, 420, 452, 506, 34 IPC



at the instance of one Gurdeep Singh.

5. Since petitioner seeks quashing of the FIR I am not dealing with the issue of false implication or mala fide for the reason said issue may require appreciation of evidence and since evidence has yet to be recorded, any discussion on said issue would be pre-mature.

6. Section 506 of the Indian Penal Code provides for punishment for 'Criminal Intimidation'. Section 503 of the Indian Penal Code defines 'Criminal Intimidation' as follows :-

> "**503. Criminal intimidation.-** Whoever threatens another with any injury on his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation."

7. But, Section 95 of the IPC has also to be kept in mind. The same reads as under :-

> '**95. Act causing slight harm.**- Nothing is an offence by reason that it causes, or that it is intended to cause, or that it is known to be likely to cause, any harm , if that harm is so slight that no person of ordinary sense and temper would complain of such harm.'

8. Section 95 of the Indian Penal Code is the statutory recognition of the maxim *'De Minimis Non Curat Lex'.*

*9.* The mandate of Section 95 of the Indian Penal Code



is to ignore trivial acts. By virtue of Section 95 of the Indian Penal

Code offences which may fall within the strict letter of the law but not within its spirit would be non-actionable.

10. A trivial act is excused as no reasonable man complains of trifles. Indeed, law does not concern itself with trifles. Trivial acts are not crimes. They are only negligible wrongs.

11. Momentary annoyances would not be treated as offences by virtue of Section 95 of the Indian Penal Code.

12. To constitute the offence punishable under Section 506 of the Indian Penal Code, in the decision report as 2001 IV AD (Delhi) 495 *Kanshi Ram Vs. State*, a learned Single Judge of this Court has held that the threat, i.e. intimidation must achieve the level of causing alarm.

13. Noting the contents of the FIR against the petitioner, his age and his avocation, in my opinion, in view of Section 95 of the Indian Penal Code, assuming that such a threat emanated, case is made out to quash the FIR.

14. Petition is allowed.

15. Above captioned FIR is quashed.

16. Needless to state, any proceedings initiated pursuant

to the FIR shall also be quashed.

August 17, 2007 **PRADEEP NANDRAJOG, J.**
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